

**AGENDA MEMO**

**CITY COUNCIL MEETING OF: AUGUST 19, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-34780 - APPLICANT: CLEAR WIRELESS, LLC -  
OWNER: SUN CITY SUMMERLIN COMMUNITY**

---

**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (5-1/vq vote) recommends APPROVAL, subject to conditions.

**Planning and Development**

1. Conformance to the plans and elevations date stamped 07/17/09.
2. The Wireless Communications Facility shall have a maximum height of 60 feet, with an additional 5 feet allowed for the fronds.
3. Approval of and conformance to the conditions for Special Use Permit (SUP-34779), if approved.
4. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Variance to allow a 127-foot setback where Residential Adjacency Standards require 210 feet for a proposed Wireless Communication Facility, Stealth Design (Monopalm) on 0.45 acres located north of Lake Mead Boulevard at Sun City Boulevard. In addition to this application, the applicant has submitted a Special Use Permit (SUP-34779) for a proposed 70-foot tall Wireless Communication Facility, Stealth Design (Monopalm) on the subject property. If this application is denied, the proposed Wireless Communications Facility will have to be redesigned or relocated to comply with Title 19.

**Issues:**

- The placement of this proposed tower will intensify the visual impact on the existing single-family homes to the west. Staff finds that the subject property is not suitable for the additional proposed use, therefore, denial of this request is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc. and Property Sales</i></b>	
06/03/87	The City Council approved a Rezoning (Z-0044-87) of property located south of Cheyenne Avenue between Buffalo Drive and Hualapai Way from N-U (Non-Urban) to PC (Planned Community)
04/26/88	The Planning Commission approved a Plot Plan Review [Z-0044-87(1)] for a temporary construction equipment maintenance yard and fuel storage tanks, on property located on the west side of Rampart Boulevard, north of Lake Mead Boulevard.
05/31/88	The Planning Commission approved a Plot Plan Review [Z-0044-87(2)] for Sun City/Summerlin main entrance design on property located on the north side of Lake Mead Boulevard, west of Rampart Boulevard.
01/18/89	The City Council approved a Plot Plan Review [Z-0044-87(5)] to amend the Summerlin Development Standards to allow multi-family uses in the commercial area.
11/21/90	The City Council approved a Plot Plan Review [Z-0044-87(3)] for Summerlin Village I on property located on the west side of Rampart Boulevard, between Lake Mead Boulevard and the Summerlin Parkway.
10/16/91	The City Council approved a Plot Plan Review [Z-0044-87(4)] to amend the Master Development Plan of the Sun City portion of the Summerlin Master Plan to relocate commercial sites, churches and the realignment of Sun City Boulevard.
07/23/09	<p>The Planning Commission recommended approval of companion item SUP-34779 concurrently with this application.</p> <p>The Planning Commission voted 5-1/vq to recommend APPROVAL (PC Agenda Item #21/gk).</p>

<b><i>Related Building Permits/Business Licenses</i></b>	
08/06/92	Original construction date for the Sun City Summerlin entry building located at 10499 Sun City Boulevard.
<b><i>Pre-Application Meeting</i></b>	
03/26/09	A pre-application meeting was held with the applicant where the requirements for submitting a Special Use Permit and a Variance were discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not held, nor was one required.	
<b><i>Field Check</i></b>	
06/18/09	During a routine field check staff observed a well maintained open space area.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.45

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Open Space, Wireless Communication Facility, Stealth Design	PR-OS (Parks/Recreation/Open Space)*	P-C (Planned Community)
North	Open Space	PR-OS (Parks/Recreation/Open Space)	P-C (Planned Community)
South	Open Space	PR-OS (Parks/Recreation/Open Space)	P-C (Planned Community)
East	Open Space	PR-OS (Parks/Recreation/Open Space)	P-C (Planned Community)
West	Single Family Residential	M (Medium Density Residential)	P-C (Planned Community)

\*The subject site is depicted with an existing General Plan designation of ROW (Right-of-Way); however, further research indicates that the site was recorded as a common lot and is privately owned. As it was never dedicated as right-of-way, it should have retained a General Plan designation of PR-OS (Parks/Recreation/Open Space). This error will be corrected in a future action.

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
Sun City Summerlin	X		Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

*Review the following from Title 19.08.060*

<b><i>Residential Adjacency Standards</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
3:1 proximity slope	210 Feet	127 Feet	N
• West			
• East	210 Feet	267 Feet	Y

## ANALYSIS

The applicant is requesting a Variance to allow a 127-foot setback where Residential Adjacency Standards require 210-feet for a proposed Wireless Communication Facility, Stealth Design (Monopalm) located north of Lake Mead Boulevard at Sun City Boulevard. The applicant has submitted plans which have been stamped and approved by the Sun City Summerlin Community Association Architectural Review Committee.

The land uses surrounding the subject property are single-family residential homes to the west and open space to the north, south, and east. The proposed communication facility will be situated approximately 127-feet from the protected residential property to the west, which does not meet the minimum Residential Adjacency Setback requirements of 210 feet. While the proposed Monopalm will be surrounded by living palm trees which will help camouflage the site, the view corridors from the back yards of the nearby homes will be degraded by the tower height, which will further obstruct any existing views.

Staff finds that the proposed location of the Wireless Communication Facility, Stealth Design (Monopalm) is not compatible with the single-family residential homes to the west. The proposed use is not harmonious as it intensifies the visual impact upon the residences to the west, therefore, denial of this request is recommended.

## **FINDINGS**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to locate a Wireless Communication Facility, Stealth Design (Monopalm) on a parcel of land that is in close proximity to existing single-family homes. Locating the proposed Wireless Communication Facility, Stealth Design away from existing single-family homes would allow for conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

## **PLANNING COMMISSION ACTION**

The Planning Commission added conditions 1 and 2 to which the applicant agreed.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

11

**ASSEMBLY DISTRICT** 4

**SENATE DISTRICT** 6

**NOTICES MAILED** 262 by City Clerk

**APPROVALS** 2

**PROTESTS** 0